

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Applicant : Maurizio Fava et al.	
Filed : Herewith	
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Docket No. : MGH-028AUS	
Customer No. : 022494	

Certificate of Mailing (37 C.F.R. 1.8(a))

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Date of Signature
and Mail Deposit

By: _____
Christopher S. Daly
Reg. No. 37,303

INFORMATION DISCLOSURE STATEMENT

Mail Stop Patent Application
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

It is desired to cite for the record in this application the enclosed documents listed on the attached copy of PTO form PTO/SB/08A (Formerly #1449). The paragraph(s) marked below are applicable to this Information Disclosure Statement.

[X] (1) The enclosed Information Disclosure Statement is being filed: within three months of the filing date; or within three months of the entry of the national stage of the above-identified application; or before the mailing of a first Office Action on the merits; or before the

mailing of a first Office Action after the filing of a request for continued examination under 37 C.F.R. §1.114. Accordingly, Applicant(s) believes that no fee or statement is required.

[] (2) Pursuant to 37 C.F.R. § 1.97(c), the enclosed Information Disclosure Statement is being filed before the mailing date of a final action or a notice of allowance and is accompanied by the fee set forth in 37 C.F.R. § 1.17(p).

SUBMISSION UNDER 37 C.F.R. § 1.97(c)

INCLUDING A STATEMENT UNDER 37 C.F.R. § 1.97(e)(1)

[] (3) Pursuant to 37 C.F.R. § 1.97(c), the enclosed Information Disclosure Statement is being filed before the mailing date of a final action or a notice of allowance and is accompanied by a statement under 37 C.F.R. § 1.97(e)(1). The undersigned hereby states that each item of information contained in the attached Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application mailed not more than three months prior to the filing of the accompanying Information Disclosure Statement.

SUBMISSION UNDER 37 C.F.R. § 1.97(c)

INCLUDING A STATEMENT UNDER 37 C.F.R. § 1.97(e)(2)

[] (4) Pursuant to 37 C.F.R. § 1.97(c), the enclosed Information Disclosure Statement is being filed before the mailing date of a final action or a notice of allowance and is accompanied by a statement under 37 C.F.R. § 1.97(e)(2). The undersigned hereby states that no item of information contained in the accompanying Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned, after making reasonable inquiry, no item of information contained in the accompanying Information Disclosure Statement was known to any individual having a duty of disclosure as set forth in 37 C.F.R. § 1.56 (c) more than three months prior to the filing of the accompanying Information Disclosure Statement.

SUBMISSION UNDER 37 C.F.R. § 1.97(c)

INCLUDING STATEMENTS UNDER 37 C.F.R. §§ 1.704(d) AND 1.97(e)(1)

[] (5) Pursuant to 37 C.F.R. § 1.97(c), the enclosed Information Disclosure Statement is being filed before the mailing date of a final action or a notice of allowance and is accompanied by statements under 37 C.F.R. §§ 1.704(d) and 1.97(e)(1). The undersigned hereby states that each item of information contained in the attached Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application mailed not more than three months prior to the filing of the accompanying Information Disclosure Statement and was not received by any individual designated in §1.56(c) more than thirty days prior to the filing of the accompanying Information Disclosure Statement.

SUBMISSION UNDER 37 C.F.R. § 1.97(d)

INCLUDING A STATEMENT UNDER 37 C.F.R. §1.97(e)(1)

[] (6) Pursuant to 37 C.F.R. § 1.97(d), the enclosed Information Disclosure Statement is being filed on or before payment of the issue fee and is accompanied by a statement under 37 C.F.R. § 1.97(e)(1) and the fee required under 37 C.F.R. § 1.17(p). The undersigned hereby states that each item of information contained in the accompanying Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the Information Disclosure Statement.

SUBMISSION UNDER 37 C.F.R. § 1.97(d)

INCLUDING A STATEMENT UNDER 37 C.F.R. §1.97(e)(2)

[] (7) Pursuant to 37 C.F.R. § 1.97(d), the enclosed Information Disclosure Statement is being filed on or before payment of the issue fee and is accompanied by a statement under 37 C.F.R. § 1.97(e)(2) and the fee required under 37 C.F.R. § 1.17(p). The undersigned hereby states that no item of information contained in the accompanying Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned, after making reasonable inquiry, no item of information contained in the accompanying Information Disclosure Statement was known to

any individual having a duty of disclosure as set forth in 37 C.F.R. § 1.56(c) more than three months prior to the filing of the accompanying Information Disclosure Statement.

SUBMISSION UNDER 37 C.F.R. § 1.97(d)

INCLUDING STATEMENTS UNDER 37 C.F.R. §§ 1.704(d) AND 1.97(e)(1)

[] (8) Pursuant to 37 C.F.R. § 1.97(d), the enclosed Information Disclosure Statement is being filed on or before payment of the issue fee and is accompanied by statements under 37 C.F.R. §§ 1.704(d) and 1.97(e)(1) and the fee required under 37 C.F.R. § 1.17(p). The undersigned hereby states that each item of information contained in the attached Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application mailed not more than three months prior to the filing of the accompanying Information Disclosure Statement and was not received by any individual designated in §1.56(c) more than thirty days prior to the filing of the accompanying Information Disclosure Statement.

The filing of this Information Disclosure Statement is not a representation by the undersigned as to personal knowledge of the contents of every word or phrase of the material enclosed or that reliance on other suitably trained professionals has not been made.

If a search report of a searching agency is enclosed identifying the nature of the relevance of each document, such a designation is deemed to satisfy Rule 98(a) (3) even if in a foreign language, since the few terms of relevance therein are deemed of universal cognizance. However, Applicant(s) does not necessarily adopt the position reflected by that report.

Appl. No. Not Yet Assigned

Docket No. MGH-028AUS

The Commissioner is hereby authorized to charge payment of any additional fees associated with this communication or credit any overpayment to Deposit Account No. 500845.

Dated: 3/31/04

Respectfully submitted,

DALY, CROWLEY & MOFFORD, LLP

By: 

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Substitute for form 1449/PTO

(Use as many sheets as necessary)

Sheet	1	of	2
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Complete if Known

Application Number	Not Yet Assigned
Filing Date	Herewith
First Named Inventor	Maurizio Fava
Art Unit	Not Yet Assigned
Examiner Name	Not Yet Assigned
Attorney Docket Number	MGH-028AUS

U. S. PATENT DOCUMENTS

[illegible]

FOREIGN PATENT DOCUMENTS

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	1 ⁶
		Country Code ³ Number ⁴ Kind Code ⁵ (if known)				
		WO 01/32071 A2	05/10/2001	New England Medical Center Hospitals, Inc.		

Examiner Signature		Date Considered	
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.